IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19943 of 2004

Between:

P.V.S.Prakasarao, S/o.Ramulu,
Danavaipeta, Rajahmundry, East Godavari Dist.

..... PETITIONER

AND

1 Commissioner of Collegiate, Education Hyderabad.
2 Regional Joint Director of Higher Education Rajahmundry East

Godavari Dist.
3 Correspondent S.K.V.T.College Danavaipeta Rajahmundry, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the action of the respondents not showing the petitioner as Typist and consequently direct the respondents to keep the petitioner as typist in view of his discharging the duties as typist since the date from 1988 onwards and further declare that the petitioner is entitled as typist only in view of the clear vacancies in statistical Department as per the Andhra university circle and consequentially direct the respondent to regularize the service of the petitioner as typist and accord further promotion in accordance with seniority and pass.

Counsel for the Petitioner: MR.T.G.S.SRIVATSAVA

Counsel for the Respondent No.1&2: GP FOR EDUCATION

Counsel for the Respondent No.3: NONE APPEARED

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner is working as a Record Assistant in the 3rd respondent-College. He contends that he has been working in the said college since 1985. The petitioner further contends that though he was appointed as Record Assistant, his services are being extracted as a Typist without appointing him as a Typist in the existing vacancy. The petitioner further contends that he submitted a representation to the 1st respondent detailing the injustice done to him and it is pending with the Commissioner since 26-02-2003. He, therefore, approached this Court through writ petition seeking to declare that the action of the respondents in not showing the petitioner as a Typist as illegal and consequently to direct the respondents to regularize the services of the petitioner as a Typist. The petitioner is under the employment of 3rd respondent. The 3rd respondent is the appointing authority and unless there is a recommendation from the 3rd respondent, the 1st and 2nd respondents will not be in a position to issue a direction to the 3rd respondent to recommend the name of the petitioner for the post of Typist. If there is any recommendation from the 3rd respondent, the 1st and 2nd respondents would examine the proposal and pass appropriate orders. Simply because, the petitioner made a representation to the 1st respondent expressing his grievance, there can not be any direction to the 1st respondent without any recommendation from the 3rd respondent.

Accordingly, the writ petition is dismissed. No order as to costs.

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Dr.G.YETHIRAJULU,J

19th NOVEMBER 2004

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TO

1 Commissioner of Collegiate, Education Hyderabad.
2 Regional Joint Director of Higher Education Rajahmundry East

Godavari Dist.
3 Correspondent S.K.V.T.College Danavaipeta Rajahmundry,

E.G.Dist.

4. Two CCs to G.P for Education, High Court Buildings, High Court of A.P.Hyderabad(OUT)

5. Two C.D.Copies